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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/547,661
Filing Date: April 12, 2000
Appellant(s): ROWSE ET AL.

Dalpreet S. Saluja
Reg. No. 60,729
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/17/2008 appealing from the Office action mailed 11/2/2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal, is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Bunte et al. (US 6,330,975 B1)

Xactware (www.xactware.com, retrieved from the Internet Archive Wayback Machine
<www.archive.com>, 6/29/1998)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bunte et al. (US 6,330,975 B1)** in view of **Xactware (www.xactware.com, retrieved from the Internet Archive Wayback Machine <www.archive.com>, 6/29/1998)**.
3. As per **independent Claim 1**, Bunte discloses a system for processing a product concern, the system comprising: a service station having a first computer and a

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removable integrated digital camera and scanner unit for capturing digital information including on or more photographs and identifying indicia related to the product concern (photo image capture and coded image capture, C1 L31-42), wherein the captured digital information is automatically transmitted from the integrated digital camera and scanner unit to the first computer upon placing the integrated digital camera and scanner unit in electrical communication with the first computer with the service station (terminal or host unit, C3 L7-17); a reviewer station having a second computer for receiving the captured digital information from the service station and for determining how to address the product concern (Central Location/remote location, C3 L42-51, C5 L50-53); and a communication port for connecting the first computer at the service station with the second computer at the reviewer station for transmitting information related to the product concern including the captured digital information (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

4. Bunte fails to expressly disclose wherein the first computer being configured to generate a claim approval request screen for receiving and displaying the digital information and identifying indicia related to the product concern.
5. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

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6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the first computer being configured to generate a claim approval request screen for receiving and displaying the digital information and identifying indicia related to the product concern, as disclosed by Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.
7. Claims 4 and 38 are rejected for the same reasons as Independent Claim 1. The Appellant has argued that the remaining claims are allowable for the same reasons as Claim 1 and/or due to their dependence on claim 1.
8. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Chainer (US 6,397,334 B1).**
9. As per Claim 5, Chainer discloses wherein the at least one identifying indicia is watermarked onto the one or more photographs.
10. However, Chainer discloses watermarking an identifier onto the at least one digital image (C4 L49-52).
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included watermarking an identifier onto the at least one digital image as disclosed by Chainer, in the system disclosed by

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Bunte, for the advantage of providing a system for processing and *uniquely* tracking a multitude of product concerns.

12. Claims 7-9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Xactware, and further in view of in view of Bradbury.

13. As per Claim 7, Bunte and Xactware fail to expressly disclose wherein the service station comprises a housing having a base and a base cover.

14. Bradbury teaches a system comprising: a housing having a removable service computer for receiving data indicative of a product concern (Abstract, C2 L3-43, C7 L53-59, C9 L22-23, Fig.1, Fig.9).

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the service station comprises a housing having a base and a base cover, as disclosed by Bradbury, in the system disclosed by Xactware, in the system disclosed by Bunte, for the advantage of providing a system for processing a customer product concern with the ability to improve system protection/effectiveness, by supplying a secure environment for portable system components.

16. As per Claim 8, Bunte, Xactware, and *Bradbury* disclose wherein the base comprises a first recessed portion for receiving a computer.

17. As per Claim 9, Bunte, Xactware, and *Bradbury* disclose wherein the base further comprises a second recessed portion for receiving the integrated digital camera and scanner unit.

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18. As per Claim 13, Bunte, Xactware, and *Bradbury* disclose wherein the service station (housing) comprises a power supply for providing electrical power to the integrated digital camera and scanner unit.

19. As per Claim 14, Bunte, Xactware, and *Bradbury* disclose wherein the service station (housing) comprises a battery charger for charging a battery included in the integrated digital camera and scanner unit for providing electrical power to same.

20. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte, in view of Xactware, in view of Bradbury, and further in view of Harvey (US 6,208,507 B1).

21. As per Claim 10, Bunte, Xactware, and Bradbury fail to expressly disclose wherein the second recessed portion further comprises a plurality of terminals for contacting a plurality of terminals on the integrated digital camera and scanner unit.

22. Harvey teaches a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly (Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).

23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of terminals for contacting a plurality of plurality of terminals on the integrated digital camera and scanner unit, as disclosed by Harvey, in the system disclosed by Bradbury, in the

system disclosed by Chainer, for the advantage of providing a system for processing a customer concern with an interconnectable portable service station.

24. As per Claim 11, Bunte, Xactware, Bradbury and Harvey disclose wherein the plurality of terminals comprises a first set of terminals for communication with a first set of terminals for charging the integrated digital camera and scanner unit.

25. As per Claim 12, Bunte, Xactware, Bradbury and Harvey disclose wherein the plurality of terminals further comprises a second set of terminals for communication with a second set of terminals for transmitting data between integrated digital camera and scanner unit and the first computer.

26. **Claims 40 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte, in view of Chainer (US 6,397,344 B1) in view of Bradbury (US 5,442,512).**

27. As per **independent Claim 40**, Bunte discloses a system for evaluating a product concern during a real-time communication session, the system comprising: a first computer device for receiving information related to a product concern (terminal or host unit, C3 L7-17); an integrated digital camera (photo image capture, C1 L31-42) and product identification device (coded image capture, C1 L31-42) for capturing at least one image and an identification for the vehicle, respectively relating to the product concern; and a second computer device for receiving the information, the at least one image and the identifier via a communication network for evaluation of the product concern during a real-time communication session (Central Location/remote location, C3 L42-51, C5 L50-

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53; C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

28. Bunte fails to expressly disclose a vehicle warranty concern.

29. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.

30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.

31. Bunte and Chainer fail to expressly disclose wherein the first computer being configured to generate a claim approval request screen for receiving and displaying information and identifying indicia related to the vehicle warranty concern.

32. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

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33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the first computer being configured to generate a claim approval request screen for receiving and displaying information and identifying indicia related to the vehicle warranty concern, as disclosed by Xactware, in the system disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.

34. Claims 42-45 are rejected for the same reasons as Independent Claim 40. The Appellant has argued that the remaining claims are allowable for the same reasons as Claim 40 or due to their dependence on Claim 40.

(10) *Response to Arguments*

1. The Appellant has made the argument that the cited prior art of Xactware is not a “printed publication.”
2. The Appellant correctly states the in the October 7, 2005 final rejection, the Examiner stated that the reference was “retrieved from the Internet Archive Wayback Machine <www.archive.org>, 6/29/1998.
3. The Internet Archive (WayBack Machine) is a 501(c)(3) non-profit that was founded and started archiving web pages in 1996, in order to build an ‘Internet library,’ with the purpose of offering permanent access for researchers,

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historians, and scholars to historical collections that exist in digital format. The Internet Archive Wayback Machine is a service that allows people to visit *archived versions of Web sites*. Visitors to the Wayback Machine can type in a URL, select a date range, and then begin surfing on an archived version of the Web. The Internet Archive collects and archives only publicly accessible Web pages. They do not archive pages that require a password to access, pages tagged for "robot exclusion" by their owners, pages that are only accessible when a person types into and sends a form, or pages on secure servers (for more information see Exhibit B of the Appellant's Evidence Appendix; Notess, Greg R., "The Wayback Machine: The Web's Archive, Volume 26, Number 2, March/April 2002).

4. Therefore, the information obtained from the Internet Archive and used as prior art by the Examiner (www.xactware.com, 6/29/1998) is an archived version of the information that was "publically" available on the Internet, and was collected and archived by the WayBack Machine on the exact date/time specified (6/29/1998).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

April 1, 2009

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